

DISTRICT OF NEVADA

Defendants.

ORDER

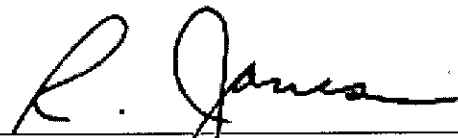
Plaintiff's request must be denied because it is without merit. Plaintiff claims that Defendants violated the automatic stay provision of the Bankruptcy Code, 11 U.S.C. § 362, by foreclosing while his tenant, Jet Room, was in bankruptcy. There is no merit to this argument. The scope of the bankruptcy estate, as defined under 11 U.S.C. § 541, does not include real property in which the debtor does not have any ownership interest. The lease interest itself may be part of the bankruptcy estate, but a tenant's bankruptcy does not bar a lender from foreclosing

1 on the landlord for the landlord's default. The foreclosure involves the default of the landlord,
2 not the tenant.

3 Accordingly, Plaintiff has failed to demonstrate any meritorious grounds for granting a
4 temporary restraining order in this case.

5 IT IS HEREBY ORDERED THAT Plaintiff's request for a temporary restraining order
6 (#4) is DENIED.

7 Dated: This 6th day of May, 2010.

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11 ROBERT C. JONES
12 UNITED STATES DISTRICT JUDGE
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